

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

LOREZ R. BRIGGS, et al., )  
vs. )  
Plaintiffs, )  
OKLAHOMA COUNTY BOARD OF )  
COMMISSIONERS, ex rel. OKLAHOMA )  
COUNTY JAIL, )  
Defendant. )

NO. CIV-16-0943-HE

**ORDER**

Plaintiffs filed this case in Oklahoma state court, asserting claims for excessive force in violation of the U.S. Constitution and the Oklahoma Constitution. Defendant removed the case to this court based on the federal claim. It then moved to dismiss on the basis of insufficiency of service of process and failure to state a claim. Plaintiffs more or less conceded the motion and consented to the dismissal of the federal claim. As the matter was not properly raised, the court declined plaintiff's suggestion that the case be remanded to state court and granted leave to plaintiffs to file an amended complaint. They have since done so.

The amended complaint does not include a § 1983 or other federal claim.<sup>1</sup> Defendant has again moved to dismiss on various grounds and requests that the court decline to exercise supplemental jurisdiction over the remaining state-law claim. Plaintiffs appear to agree with defendant's suggestion that the court should decline to

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<sup>1</sup> *The amended complaint refers to violation of the U. S. Constitution, but plaintiff's response to the current motion makes clear that no federal claim is asserted.*

exercise supplemental jurisdiction.<sup>2</sup>

As only a state law claim remains and in light of the parties' agreement, the court declines to exercise supplemental jurisdiction over the remaining claim. 28 U.S.C. § 1367(c). Defendant's motion to dismiss [Doc. #12] is therefore **GRANTED**. This case is **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

Dated this 2nd day of February, 2017.



JOE HEATON  
CHIEF U.S. DISTRICT JUDGE

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<sup>2</sup> Plaintiff's response [Doc. #13] says they agree with defendant's "Proposition VI." There is no "Proposition VI" in defendant's motion/brief and the reference appears to be to Proposition V.